

AMENDED IN SENATE MAY 25, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1937**

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**Introduced by Assembly Member Fletcher  
(Principal coauthor: Assembly Member Galgiani)**

February 17, 2010

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An act to amend Section 49403 of the Education Code, relating to pupil health, *and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as amended, Fletcher. Pupil health: immunizations.

Existing law requires the governing board of a school district to cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children, and authorizes the board to permit a licensed physician and surgeon or a licensed registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil whose parents have consented, as specified.

This bill would also authorize a school district to permit certain other licensed health care practitioners who are acting under the direction of a supervising physician and surgeon to administer ~~as~~ certain immunizing agents to those pupils. The bill would authorize those health care practitioners to administer ~~as~~ immunizing agents subject to specified conditions, including notification of the school nurse, who would

maintain control as necessary in accordance with his or her duties as supervisor of health. The bill would ~~also~~ make other technical changes.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49403 of the Education Code is amended  
2 to read:

3 49403. (a) Notwithstanding any other law, the governing board  
4 of a school district shall cooperate with the local health officer in  
5 measures necessary for the prevention and control of communicable  
6 diseases in schoolage children. For that purpose, the board may  
7 use any funds, property, and personnel of the district, and may  
8 permit a licensed physician and surgeon, or a health care  
9 practitioner listed in subdivision (b) who is acting under the  
10 direction of a supervising physician and surgeon, to administer an  
11 immunizing agent to a pupil whose parent or guardian has  
12 consented in writing to the administration of the immunizing agent.

13 (b) (1) The following health care practitioners, acting under  
14 the direction of a supervising physician and surgeon, may  
15 administer ~~as an~~ immunizing agent within the course of a school  
16 immunization program:

17 (A) A physician assistant.

18 (B) A nurse practitioner.

19 (C) A registered nurse.

20 (D) A licensed vocational nurse.

21 (E) A nursing student who is acting under the supervision of a  
22 registered nurse, in accordance with applicable provisions of law.

23 (2) A health care practitioner's authority to administer ~~as an~~  
24 immunizing agent pursuant to this subdivision is subject to the  
25 following conditions:

26 (A) The administration of an immunizing agent is upon the  
27 standing orders of a supervising physician and surgeon and in  
28 accordance with any written regulations that the State Department  
29 of Public Health may adopt.

1 (B) The school nurse is notified and he or she maintains control,  
2 as necessary, as supervisor of health in accordance with Sections  
3 44871, 44877, 49422, and subdivision (a) of Section 44926.

4 (C) The health care practitioner may only administer  
5 immunizations for the prevention and control of any of the  
6 following:

7 (i) Annual seasonal influenza.

8 (ii) Influenza pandemic episodes.

9 (iii) Other diseases that represent a current or potential outbreak  
10 as declared by a federal, state, or local public health officer.

11 (c) As used in this section, “supervising physician and surgeon”  
12 means the physician and surgeon of the local health department  
13 or school district that is directing the school immunization program.

14 (d) While nothing in this section shall be construed to require  
15 the physical presence of the supervising physician and surgeon,  
16 the supervising physician and surgeon shall require a health care  
17 practitioner under his or her direction to do both of the following:

18 (1) Satisfactorily demonstrate competence in the administration  
19 of the immunizing agent, including knowledge of all indications  
20 and contraindications for the administration of the agent, and the  
21 recognition and treatment of emergency reactions to the agent that  
22 constitute a danger to the health or life of the person receiving the  
23 immunization.

24 (2) Possess the medications and equipment that are required, in  
25 the medical judgment of the supervising physician and surgeon,  
26 to treat any emergency conditions and reactions caused by the  
27 immunizing agents that constitute a danger to the health or life of  
28 the person receiving the immunization, and to demonstrate the  
29 ability to administer the medications and use the equipment as  
30 necessary.

31 (e) It is the intent of the Legislature to encourage school-based  
32 immunization programs, when feasible, to use the California  
33 Immunization Registry to assist providers to track patient records,  
34 reduce missed opportunities, and to help fully immunize all  
35 children in California.

36 *SEC. 2. This act is an urgency statute necessary for the*  
37 *immediate preservation of the public peace, health, or safety within*  
38 *the meaning of Article IV of the Constitution and shall go into*  
39 *immediate effect. The facts constituting the necessity are:*

- 1     *In order to provide greater access to immunizations for school*
- 2     *children in time for the 2010–11 influenza season, it is necessary*
- 3     *that this act take effect immediately.*